

JOURNAL OF THE HOUSE.

Monday, June 30, 2008.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God of Goodness and Compassion, as we begin today's formal legislative session, we pause for a few moments and turn our attention to You, spiritual and human values and our agenda for this day. We believe that Your help enables us to focus our thoughts and to reason together more clearly as we evaluate the items on the calendar and the proposals of constituents. In these changing times in our Commonwealth, the nation and the world, inspire us to read the signs of the times accurately as we try to cope with change and new challenges. Teach us to be open to the legislative and administrative accomplishments and even failures of our dedicated predecessors as we strive to connect with the people and their needs in our districts.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to providing the terms of certain bonds to be issued by the Commonwealth to finance investment in and expansion of the life sciences industry in the Commonwealth (House, No. 4903) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Statement Concerning Representative Atkins of Concord.

A statement of Mr. Rogers of Norwood concerning Ms. Atkins of Concord was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Atkins of Concord, will not be present in the House Chamber for today's sitting due to a medical emergency. Any roll calls that she may miss today is due entirely to the reason stated. Representative Atkins of Concord.

Statement Concerning Representative Canavan of Brockton.

Uncorrected Proof

A statement of Mr. Rogers of Norwood concerning Ms. Canavan of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Canavan of Brockton, will not be present in the House Chamber for the remainder of today's sitting due to a previously scheduled speaking engagement at a college graduation. Any roll calls that she may miss today will be due entirely to the reason stated. Representative Canavan of Brockton.

Statement Concerning Representative Creedon of Brockton.

A statement of Mr. Rogers of Norwood concerning Ms. Creedon of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Creedon of Brockton, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that she may miss today is due entirely to the reason stated. Representative Creedon of Brockton.

Statement of Representative Linsky of Natick.

A statement of Representative Linsky of Natick, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the final roll call of the session on Thursday last due to pre-existing family obligations. Had I been present for the taking of yea and nay No. 395, I would have voted in the negative. Linsky of Waltham.

Guest of the House.

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced Amanda Benoit of Medford. Ms. Benoit was the guest of Representative Donato of Medford.

Resolutions.

Resolutions (filed with the Clerk by Mr. Turner of Dennis and other members of the House) congratulating Judge Robert A. Welsh, Jr., on the occasion of his retirement, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Honan of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Uncorrected Proof

Mr. Straus of Mattapoisett presented a petition (accompanied by bill, House, No. 4898) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to issue a common victualer beer and wine license to Jevon Enterprises; and the same was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill establishing a sick leave bank for Tracey Albrecht, an employee of the Trial Court (House, No. 4843, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: "Sick leave bank days may not be used for absences unrelated to the illness or disability that necessitated the establishment of the sick leave bank as determined by the trial court.".

Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The following order (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Consumer Protection and Professional Licensure be granted until Friday, June 30, 2008 in which to make its final report on Senate document numbered 2693 and House documents numbered 4770 and 2252 relative to consumer protection issues in the Commonwealth.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the order was considered forthwith; and it was adopted, in concurrence.

The following order (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That notwithstanding the provisions of Joint Rule 4, the reports of the committees on Higher Education and Bonding, Capital Expenditures and State Assets on the Message From His Excellency the Governor recommending legislation relative to providing for the higher education capital improvement needs of the Commonwealth (House, No. 4280) and the subsequent new draft entitled "An Act providing for the public higher education capital improvement needs of the Commonwealth" (House, No. 4538) shall be considered to have been filed in the Senate, and that the first reading thereof shall be considered to have been in the Senate.

Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the order was considered forthwith; and it was adopted, in concurrence.

A Bill relative to the Recreation Revolving Fund in the town of Rutland (Senate, No. 2519) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

Of the Dedham Alternative Center, in the town of Dedham; and

Uncorrected Proof

Of the North Central Correctional Institution, in the city of Gardner;

Severally were spread upon the records of the House; and returned to the Senate.

A petition of Dianne Wilkerson for legislation relative to the Hynes Convention Center and the Boston Common Garage, came from the Senate referred, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2780) was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.

Reports of Committees.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2685) of the House Bill improving tax fairness and business competitiveness (House, No. 4672) on the residue, recommending passage of a Bill relative to tax fairness and business competitiveness (House, No. 4904); and

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2520) of the House Bill relative to child abuse and neglect (House, No. 4333), recommending passage of a Bill protecting children in the care of the Commonwealth (House, No. 4905).

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and they were severally placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance of the report of the committee of conference.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill creating a means for tracking the unmet need of individuals with developmental disabilities in the Commonwealth of Massachusetts (House, No. 135), - - and recommending that the same be recommitted to the committee on Ways and Means with the amendment previously recommended by said committee (House, No. 4793) pending. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to pension governance reform (House, No. 4011), - - and recommending that the same be recommitted to the committee on Ways and Means with the amendment previously recommended by said committee (House, No. 4801) pending. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Torrasi of North Andover, for the committee on Labor and Workforce Development, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4834) of Barbara A. L'Italien and others (by vote of the town) for legislation to exempt the town of North Andover from certain provisions of the prevailing wage law, - - and recommending that the same be referred to the committee on Municipalities and Regional Government. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Uncorrected Proof

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Revenue to make an investigation and study of certain House documents concerning the raising of revenue, tax credits, tax exemptions, local property taxes and other related matters (House, No. 4608) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4380) of Thomas J. Calter and others (by vote of the town) that the board of assessors of the town of Duxbury be authorized to assess certain tax betterments relative to funding for the repair of seawalls in the Gurnet Road area of said town,- - and recommending that the same be recommitted to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, on House, Nos. 1917, 1919, 1946, 1947, 1953, 1956, 1969, 1977, 1995, 2004, 3788, 4168 and 4413, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain House documents concerning zoning laws and other related matters (House, No. 4894).

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, Nos. 4745, 4777 and 4818, an Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4895).

By Mr. Wagner of Chicopee, for the committee on Transportation, on House, No. 4642, an Order relative to authorizing the committee on Transportation to make an investigation and study of a certain House document numbered 4642 concerning red light cameras in the city of Revere (House, No. 4896).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a recommitted petition, a Bill establishing the correctional officers' procedural bill of rights (House, No. 1638) [Representative Evangelidis of Holden dissenting].

By the same member, for the same committee, on a recommitted petition, a Bill relative to licensure of court reporters (House, No. 1690) [Representative Evangelidis of Holden dissenting].

By the same member, for the same committee, on a recommitted petition, a Bill relative to the Franklin and Hampshire counties Juvenile Court (House, No. 4416).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to the sale of prepaid cell phones (House, No. 3277) be scheduled for consideration by the House with the amendment previously recommended by the committee on Ways and Means (House, No. 4799) pending. Placed in the Orders of the Day for the next sitting for a second reading with the amendment pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Establishing a project mitigation contribution or linkage program for open space and historic preservation in the city of Somerville (Senate, No. 2167);

Uncorrected Proof

Authorizing the establishment of a municipal open space and historic preservation trust fund in the city of Somerville (Senate, No. 2171); and

Authorizing the sale of alcoholic beverages on golf courses (Senate, No. 2769); and
House bills

Authorizing the town of Sudbury to use certain insurance or recovery proceeds (House, No. 4835);

Establishing a sick leave bank for Shannon Crouse, an employee of the District Court of Southern Berkshire (House, No. 4866); and

Relative to the rental of pets (House, No. 4893);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Report of the committee on Bonding, Capital Expenditures and State Assets that the recommitted Bill relative to special development districts (House, No. 159) ought NOT to pass (under Joint Rule 10).

Placed in the Orders of the Day for the next session, the question being on rejection (under Joint Rule 10).

Engrossed Bill.

The engrossed Bill designating a certain portion of sandy beach in the town of Winchester as the Senator Charles E. Shannon, Jr. Memorial Beach (see Senate, No. 2475) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Motion to Discharge a Certain Matter in the Orders of the Day.

Mr. Honan of Boston moved that the engrossed Bill relative to the articles and by-laws of cooperative housing corporations (see House, No. 1224), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4445), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

The amendment recommended by the Governor then was considered in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place there the following:

"Section 10 of Chapter 157B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out clause (g) and inserting in place thereof the following clause:-

(g) standards for eligibility to become a stockholder, provided that such standards reasonably relate to: (i) the capacity to satisfy the stockholder's financial and maintenance obligations with respect to the property; (ii) eligibility requirements for financial subsidy programs; and/or (iii) requirements with respect to elderly living communities; and provided further, that such standards shall not be discriminatory in intent or application and shall comply with section 4 of chapter 151B. Notwithstanding any general or special law to the contrary, including section 2 of this chapter, this subsection shall govern all cooperative housing arrangements formed pursuant to this chapter or otherwise."

Uncorrected Proof

The amendment was rejected.

Mr. Honan of Boston then moved to amend the bill by striking out all after the enacting clause and inserting in place there the text contained in House document numbered 4897.

The amendment was adopted. Sent to the Senate for concurrence.

Recess.

At twenty-five minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty minutes before two o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Mr. Donato of Medford asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 144 members were recorded as being in attendance. No. 396.

[See Yea and Nay No. 396 in Supplement.]

Therefore a quorum was present.

Report of a Committee.

Mr. Binienda of Worcester, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2685) of the House Bill improving tax fairness and business competitiveness (House, No. 4672), reported, in part, a Bill relative to the cigarette excise and health care funding (House, No. 4899).

The same member then moved suspension of the rules in order that the House might consider the report forthwith.

On the question on suspension of the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 127 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 397 in Supplement.]

Therefore the rules were suspended.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Binienda of Worcester; and on the roll call 94 members voted in the affirmative and 52 in the negative.

[See Yea and Nay No. 398 in Supplement.]

Therefore the conference committee report was accepted. Sent to the Senate for concurrence.

Motion to Reconsider.

Uncorrected Proof

Mr. Mariano of Quincy moved that the vote be reconsidered by which the House, on Thursday, June 26, passed to be engrossed, the House Bill relative to certain banking laws (House, No. 1044); and the motion to reconsider was considered forthwith and it prevailed.

Pending the recurring question on passing the bill to be engrossed, the same member moved to amend it by substitution of a bill with the same title (House, No. 4901), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

The engrossed Bill relative to the benefits of certain court employees (see House, No. 4857), being a printed copy of Section 8 contained in the engrossed Bill relative to making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4851), which had been returned by His Honor the Lieutenant-Governor, Acting Governor, with recommendation of amendment (for message, see House, No. 4856), was considered.

The amendment recommended by the Acting Governor then was adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out all after the enacting clause and inserting in place thereof the following:

"Section 2 of chapter 61 of the acts of 2007 is hereby amended by inserting after item 0330-3017 the following item:-

0330-0338 For the costs in fiscal year 2008 of salary increases, benefits adjustments and other employee economic benefits authorized for employees of the supreme judicial court, the appeals court and the trial court that are covered by the collective bargaining agreements between the trial court of the commonwealth and the Office and Professional Employees International Union Local 6 (AFL-CIO), professional and clerical units and personnel of the trial court employed in confidential positions who would otherwise be covered by said agreement in effect for fiscal year 2008 and to meet the costs of providing equal salary adjustments and other economic benefits to employees who are not otherwise classified in any such collective bargaining unit of the trial court, the mental health legal advisors committee, the board of bar examiners and the commission on judicial conduct \$8,187,426".

Sent to the Senate for its action.

Senate bills

Authorizing increased fees for special details performed by public employees in the city of Somerville (Senate, No. 2170); and

Relative to intermunicipal agreements (Senate, No. 2401);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to the placement of twins in schools (House, No. 469) (its title having been changed by the committee on Bills in the Third Reading);

Designating Mitochondrial Disease Awareness Week (House, No. 3246) (its title having been changed by the committee on Bills in the Third Reading);

Uncorrected Proof

Designating Route 116 as a scenic byway corridor (House, No. 3550);
Relative to red and blue flashing, rotating or oscillating lights (House, No. 3615);
Authorizing the city of Cambridge to abate certain fiscal year 2003 real property taxes (House, No. 4081) (its title having been changed by the committee on Bills in the Third Reading);
Conveying land from the town of Plainfield to the Plainfield Congregational Church (House, No. 4474); and

Establishing a sick leave bank for Sarah Carmichael, an employee of the Department of Youth Services (House, No. 4882);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

House bills

Relative to coupon use for the purchase of milk (House, No. 780);
Relative to lodging houses (House, No. 1271);
Clarifying warehousing (House, No. 1488);
Relative to public safety officers and safe hypodermic syringes (House, No. 1526, changed);
Relative to allowance increases for retired members of regional retirement systems (House, No. 2461);
Relative to public records (House, No. 3225); and
Relative to voting by sex offenders (House, No. 4546, changed);
Severally were read a second time; and they were ordered to a third reading.

The Senate Bill relative to harbormaster training certification (Senate, No. 509, changed and amended) was read a second time.

The amendment previously recommended by the committee on Ways and Means,- - that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4791,- - was adopted.

The bill (Senate, No. 509, changed and amended) then was ordered to a third reading.

The House Bill authorizing the town of Walpole to release a certain restriction (House, No. 4491), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Kafka of Stoughton moved to amend it by substitution of a bill with the same title (House, No. 4902), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing a sick leave bank for Mary Mercurio, an employee of the Department of Social Services (House, No. 4868) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. O'Day of West Boylston moved to amend it by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of social services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 4868, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Uncorrected Proof

The House Bill relative to mental health parity (House, No. 4423), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Balser of Newton; and on the roll call 120 members voted in the affirmative and 26 in the negative.

[See Yea and Nay No. 399 in Supplement.]

[Mr. Aguiar of Fall River answered "Present" in response to his name.]

Therefore the bill (House, No. 4423) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill establishing and funding the Massachusetts Broadband Institute (House, No. 4864), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Messrs. Bosley of North Adams and Kane of Holyoke moved to amend it in section 6, in subsection 6B by adding at the end of paragraph (b) the following sentence: "The first priority of the institute shall be to assess and improve conditions in the commonwealth's communities that have no broadband access."; and the amendment was adopted.

Mr. Bosley then moved to amend the bill in section 6, in subsection 6C, in paragraph (b), at the end of clause (2), by inserting after the word "year" the following: "or \$100,000, whichever is greater"; and the amendment was adopted.

Mr. Guyer of Dalton and other members of the House then moved to amend the bill in section 2A, in item 1599-7060, by striking out the figures "\$25,000,000" and inserting in place thereof the figures "\$40,000,000". After remarks the amendment was adopted.

Mr. Bosley of North Adams then moved to amend the bill in section 6, in subsection 6B, in paragraph (b), in the second sentence, by inserting after the word "shall" the words ", subject to the approval of the board"; and the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Bosley; and on the roll call 147 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 400 in Supplement.]

Therefore the bill (House, No. 4864, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At twenty-two minutes before five o'clock P.M., Mrs. Harkins took the Chair, declared a recess until a quarter after five o'clock; and at twenty-four minutes after five o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Engrossed Bills.

Engrossed bills

Authorizing increased fees for special details performed by public employees in the city of Somerville (see Senate, No. 2170) (which originated in the Senate); and

Uncorrected Proof

Designating a certain bridge in the towns of Marshfield and Scituate as the Francis R. Powers Memorial Bridge (see House, No. 4809) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Emergency Measures.

The engrossed Bill relative to intermunicipal agreements (see Senate, No. 2401), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 15 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relative to the cigarette excise and health care funding (see House, No. 4899), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution.

On the question on adopting the emergency preamble, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 107 members voted in the affirmative and 36 in the negative.

[See Yea and Nay No. 401 in Supplement.]

Therefore the preamble was adopted. Sent to the Senate for concurrence.

Subsequently a statement of Mr. Rogers of Norwood was spread upon the records of the House, as follows:

Mr. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business outside of the State House. Representative Rogers of Norwood.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,--

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at fourteen minutes after six o'clock P.M., on motion of Mr. Sullivan of Fall River (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.